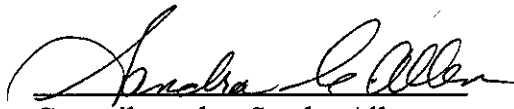

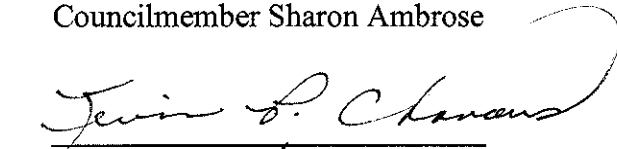
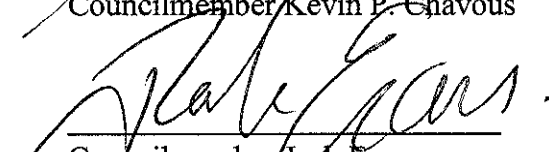

Chairman Linda W. Cropp



Councilmember Sandra Allen

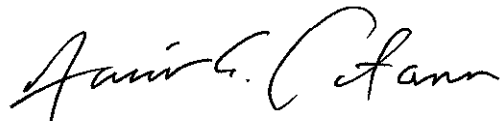

Councilmember Sharon Ambrose

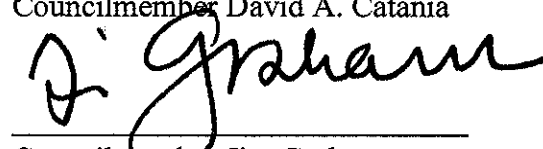

Councilmember Kevin P. Chavous

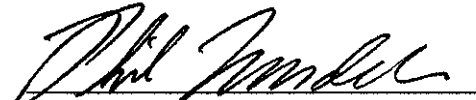

Councilmember Jack Evans

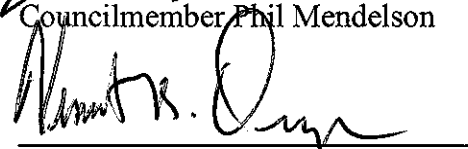

Councilmember Adrian Fenty

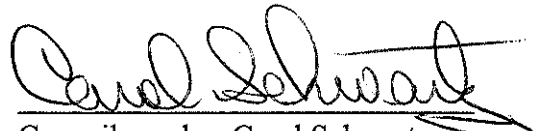

Councilmember Harold Brazil


Councilmember David A. Catania


Councilmember Jim Graham


Councilmember Phil Mendelson


Councilmember Vincent Orange


Councilmember Carol Schwartz


Councilmember Kathleen Patterson

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember David Catania, Chairman Linda Cropp and Councilmembers Sandra Allen, Sharon Ambrose, Harold Brazil, Kevin Chavous, Jack Evans, Adrian Fenty, Jim Graham, Phil Mendelson, Vincent Orange, Kathy Patterson and Carol Schwartz introduced the following bill, which was referred to the Committee on _____

To amend the District of Columbia Home Rule Act to establish an Office of the Attorney General of the District of Columbia and to transfer prosecutorial authority for local offenses to the District of Columbia government.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this	1
act may be cited as the "Establishment of an Office of the Attorney General for the District of	2
Columbia Charter Amendment Act of 2002".	3

TABLE OF CONTENTS	5
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TITLE I. PURPOSE AND DEFINITIONS.	6
Sec. 101. Statement of purpose.	7
Sec. 102. Definitions.	8

TITLE 11. OFFICE OF THE ATTORNEY GENERAL OF THE DISTRICT OF COLUMBIA.	9
Sec. 201. Amendment to the Home Rule Act.	10
Sec. 436. Establishment of the Office of the Attorney General.	11
Sec. 436a. Annual Report.	12
Sec. 436b. Budget.	13
Sec. 436c. Deputy Attorney General.	14
Sec. 436d. Solicitor General.	15
Sec. 436e. District Attorney for Criminal Prosecutions.	16
Sec. 436f. District Attorney for Civil Proceedings.	17
Sec. 436g. Assistant District Attorneys.	18
Sec. 436h. Federal prosecution of local cases.	19
Sec. 436i. Cooperation between District and Federal agencies.	20

TITLE III. TRANSITION PROVISIONS.	21
Sec. 301. Abolishment of the Office of the Corporation Counsel.	22
Sec. 302. Transfer of personnel.	23
Sec. 303. Transfer of positions, property and funds.	24
Sec. 304. Pending actions and proceedings.	25

TITLE IV. FISCAL IMPACT STATEMENT.	26
Sec. 401. Fiscal Impact Statement.	27

TITLE V. CONDITIONAL EFFECTIVE DATE.	28
Sec. 501. Conditional Effective Date.	29
	30
	31

TITLE I-- PURPOSE AND DEFINITIONS	32
	33

SEC. 101. STATEMENT OF PURPOSE.

Subject to the retention by Congress of the ultimate legislative authority over the District of Columbia vested by article I, section 8, clause 17, of the Constitution, the purpose of this act is to establish an independent Office of the Attorney General in the government of the District of Columbia by granting such government full authority over the prosecution of violations of District law, analogous to the authority vested in a State, and thereby to relieve the federal government of the burden of responsibility for prosecuting District law violations.

SEC. 102. DEFINITIONS.

As used in this Act, unless otherwise provided or indicated by the context:

(1) The term "Attorney General" means the Attorney General for the District of Columbia established pursuant to this Act.

(2) The term "Deputy Attorney General" means the Deputy Attorney General for the District of Columbia established pursuant to this Act.

(3) The term "District" means the District of Columbia.

(4) The term "District law" means any law applicable exclusively to the District of Columbia enacted by Congress, any act of the Council, or any rule or regulation promulgated by the Mayor, the Council, or any other agency or entity of the District of Columbia.

TITLE II--OFFICE OF THE ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA

SEC. 201. AMENDMENT TO THE HOME RULE ACT TO ESTABLISH THE
OFFICE OF THE ATTORNEY GENERAL.

The District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et. seq.*), is amended as follows:

(a) Title IV of the Home Rule Act is amended as follows: 1

(1) The table of contents is amended by adding after the phrase "Sec. 434. District 2
of Columbia Judicial Nomination Commission," the following: 3

"PART C1 -- THE OFFICE OF THE ATTORNEY GENERAL 4

"Sec. 436. Establishment of the Office of the Attorney General. 5

(2) Add a new Part C1 to read as follows: 6

"Part C1 -- THE OFFICE OF THE ATTORNEY GENERAL. 7

"SEC. 436. Establishment of the Office of Attorney General 8

" (a) CREATION--There is established an Office of the Attorney General for the 9
District of Columbia, and the Attorney General for the District of Columbia shall be the head of 10
the office. 11

"(b) GENERAL POWERS AND DUTIES--The Attorney General shall be the 12
chief legal officer for the District and have charge of all matters of law for the District. In the 13
performance of such duties, the Attorney General shall: 14

"(1) Have charge of the prosecution of all violations of District law except 15
those violations brought in the name of the United States pursuant to section 436h of this Act; 16

"(2) Have charge and conduct of all civil actions, suits or proceedings 17
instituted by and against the District of Columbia or the agencies or entities thereof (including 18
the independent agencies and instrumentalities thereof), or in which the District of Columbia is 19
concerned, including all actions in which the constitutionality or validity of the laws of the 20
District of Columbia are challenged; 21

"(3) Render written legal opinions and advice to the Mayor, the Council, 22

and the heads of agencies and entities of the District of Columbia government (including the independent agencies thereof), which opinions, in the absence of specific action by the Mayor or act of the Council to the contrary, or until overruled by controlling court decision, shall be the guiding statement of law, to be followed by all District officers and employees in the performance of their official duties;

"(4) Make recommendations to the Mayor with respect to the pardon or the commutation of the sentences of persons convicted of crimes against the District;

"(5) Serve as the chief representative of the District government in matters of criminal justice policy, using the advice and assistance of such other agencies or entities of the District government as he or she shall deem necessary and appropriate;

"(6) Develop and direct criminal justice and law enforcement policies and coordinate the implementation of such policies by the law enforcement agencies within the District government;

"(7) Perform all functions granted to or vested in the Corporation Counsel for the District by law prior to the effective date of this Act;

"(8) Develop regulations pursuant to which he or she shall be authorized to take all personnel actions necessary to administer the Office of the Attorney General, including the authority to appoint, promote, transfer, discipline, suspend, and terminate Assistant District Attorneys and other officers and employees;

"(9) Supervise the administration of the Office of the Attorney General;

"(10) Have the authority to appoint special counsel for a particular purpose or designated proceeding and to determine the compensation, powers, duties, and the

length and manner of service of such special counsel; 1

"(11) Issue rules and regulations necessary to carry out the purposes of 2
this Act; 3

"(12) Defend all actions and proceedings against any District officer or 4
employee acting in his or her capacity, in any of the courts of the District or the United 5
States; 6

"(13) Enforce the proper application of money appropriated by the 7
Council to the various funds of the District and prosecute breaches of trust in the administration 8
of such funds; 9

"(14) Institute the necessary actions to recover any fraudulent, erroneous, 10
or illegal fee, bill, account, credit, charge, or claim that the Attorney General believes has been 11
erroneously or improperly approved, allowed, or paid out of the District treasury; 12

"(15) Institute the necessary actions to collect and cause the payment into 13
the District treasury of all unsatisfied claims, demands, accounts, and judgments in favor of the 14
District; 15

"(16) Keep a proper record of all cases prosecuted or defended by the 16
Attorney General, on behalf of the District or its officers, and of all proceedings relating thereto, 17
and deliver the same to his or her successor in office; 18

"(17) Keep a proper record all the official opinions given by the Office of 19
the Attorney General and deliver the same to his or her successor in office; and 20

"(18) Have the power, and it shall be his or her duty, to perform any other 21
duties that are required of the Attorney General by law. 22

"(c) APPOINTMENTS AND DELEGATION OF AUTHORITY--

"(1) The Attorney General shall appoint a Deputy Attorney General, a Solicitor General, a District Attorney for Criminal Prosecutions, a District Attorney for Civil Proceedings, one or more Assistant Attorneys General, and staff attorneys who shall serve at the pleasure of the Attorney General. They may perform all the duties required of the Attorney General and such other duties as the Attorney General may delegate to them.

"(2) The Attorney General may delegate any of his or her functions to any other officer, employee, or entity of the Office of the Attorney General ("Office") and may authorize the successive re-delegations of such functions within the Office as may be necessary or appropriate. In addition, the Attorney General may allocate or reallocate his or her functions among the officers, employees, or agencies of the Office and establish, consolidate, alter, or discontinue such organizational entities within the Office as may be necessary or appropriate, except that the Attorney General may not abolish the positions established in this title.

"(3) The Attorney General shall have the power to employ the assistance, whether lay, legal, or expert, as the Attorney General deems necessary to properly carry out the functions of the Office and to protect the interests of the District.

"(d) GENERAL QUALIFICATIONS--No person shall hold the Office of the Attorney General unless that person:

"(1) Is a qualified elector;

"(2) Is domiciled in the District throughout the term in office;

"(3) Has resided and been domiciled in the District for at least one year

immediately preceding the day on which the general or special election for such office is to be

held;

"(4) Holds no other public office for which he or she is compensated in an amount in excess of the actual expenses of that public office, except that nothing in this clause shall prohibit any such person, while Attorney General, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States or from holding an appointment in a Reserve component of an armed force of the United States, other than a member serving on active duty under a call for more than thirty days; and

"(5) Is a member in good standing with the District of Columbia Bar. For purposes of this subsection, a person is a "member in good standing with the District of Columbia Bar" if that person is admitted to the practice of law in the District, is registered with the District of Columbia Bar as an active practitioner and has never been disbarred or suspended from practice. The Attorney General shall forfeit the Office upon the failure to maintain the qualifications required by this subsection.

"(e) RESTRICTIONS ON PRIVATE PRACTICE--The Attorney General shall devote full time to the duties of the Office and shall not directly or indirectly engage in the private practice of law or lobbying for compensation.

"(f) ELECTIONS; DISABILITY; FILLING VACANCIES--

"(1) The Attorney General shall be elected on a partisan basis by the registered qualified electors of the District. The term of Office of the Attorney General shall be four years, except as provided in paragraph (4) of this subsection, and shall begin at noon on January 2 of the year following his or her election. The Attorney General's term of office shall coincide with

the term of the Mayor.

"(2) If the Attorney General is disabled from performing his or her official duties, the Deputy Attorney General shall perform the duties of the Attorney General during such disability.

"(3) In the event of a vacancy in the Office of the Attorney General, the Deputy Attorney General shall be continued in this office and shall perform all statutory duties of the Attorney General until an Attorney General is duly qualified. The Attorney General shall designate the order in which other officers or employees of the Office of the Attorney General shall act for and perform the functions of the Attorney General during the absence, disability, or vacancy in the office of both the Attorney General and the Deputy Attorney General.

"(4) To fill a vacancy in the Office of the Attorney General, the Board of Elections and Ethics shall hold a special election in the District on the first Tuesday occurring no more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections and Ethics determines that such vacancy could be more practically filled in a special election held on the same day as the next general election to be held in the District; provided, that the Attorney General special election coinciding with the general election takes place within sixty days of the date on which a special election not coinciding with the general election would have been held under the provisions of this subsection. The person elected Attorney General to fill a vacancy in the Office of the Attorney General shall take office on the day in which the Board of Elections and Ethics certifies his or her election, and shall serve as Attorney General only for the remainder of the predecessor's term.

"(5) Within 60 days of the effective date of this Act, the Mayor, with the approval

by resolution of the Council, shall appoint an Attorney General who shall serve until succeeded
by an elected Attorney General. A nomination shall be submitted to the Council for a 60-day
period of review, excluding days of Council recess. If the Council does not approve or
disapprove the Mayor's nominee within the 60 days, the Mayor's resolution shall be deemed
approved. The first election for the Attorney General shall take place in 2002.

"SEC. 436a . ANNUAL REPORT. On or before October 31, the Attorney General shall
prepare and submit an annual report to the Mayor and to the Council that is a concise statement
of all matters pertaining to the Office of Attorney General, and that contains suggestions and
recommendations to advance the proper and economical administration of the laws.

"SEC. 436b. BUDGET. The Attorney General shall prepare and submit to the Mayor,
for inclusion in the annual budget, annual estimates of the expenditures and appropriations
necessary for the operation of the Office of the Attorney General. All such estimates shall be
forwarded by the Mayor to the Council for its action pursuant to Sections 446 and 603(c) of this
Act. The Mayor and the Council are empowered to review and amend, as is deemed appropriate,
the Attorney General's budget proposal."

"SEC. 436c. DEPUTY ATTORNEY GENERAL.

"(a) The Attorney General shall appoint a Deputy Attorney General for the District, who
shall generally assist the Attorney General in the performance of his or her duties.

"(b) The Deputy Attorney General shall exercise the powers and duties of the Attorney
General during the Attorney General's absence or disability or in the event of a vacancy in the
office of the Attorney General, pursuant to section 436(f) of this Act, or until his or her successor
is appointed.

"(c) Notwithstanding any other provision of law, whenever the written approval of the Attorney General is required by statute or court rule and the Attorney General either is unavailable to act upon the matter or has determined that it would be legally or ethically improper to do so, the required approval may be given by the Deputy Attorney General.

"(d) The Deputy Attorney General shall serve at the pleasure of the Attorney General.

"(e) The Deputy Attorney General shall meet the qualifications for holding office required of the Attorney General under section 436(d) of this Act and shall serve a term coterminous with that provided for the Office of the Attorney General under section 436(f)(1) of this Act.

"SEC. 436d. SOLICITOR GENERAL.

"(a) The Attorney General shall appoint a Solicitor General, who shall assist the Attorney General in the performance of his or her duties as provided by this section.

"(b) The Solicitor General, subject to the general supervision of the Attorney General, shall:

"(1) Conduct, or assign and supervise, all cases before the United States Supreme Court, including appeals, petitions for and in opposition to certiorari, briefs and arguments (including those as amicus curiae), and settlements;

"(2) Authorize petitions for rehearings en banc and other extraordinary appeals and the filing of amicus curiae briefs, in any appellate court;

"(3) Provide legal counsel and advice to the Attorney General;

"(4) Take all actions with respect to the appointment, employment, separation, training, and general administration of attorneys and other personnel in the Office of the Solicitor General, subject to the final approval of the Attorney General; and

"(5) Perform such other duties and functions as may be assigned from time to time by the Attorney General.

"(c) The Solicitor General shall serve at the pleasure of the Attorney General.

"(d) The Solicitor General shall meet the qualifications for holding office required of the Attorney General under section 436(d) of this Act and shall serve a term coterminous with that provided for the Office of the Attorney General under section 436(f)(1) of this Act, or until his or her successor is appointed.

"SEC. 436e. DISTRICT ATTORNEY FOR CRIMINAL PROSECUTIONS.

"(a) The Attorney General shall appoint a District Attorney for Criminal Prosecutions, who shall be the head of the Criminal Division of the Office of the Attorney General and who shall assist the Attorney General in the performance of the Attorney General's duties as provided by this section.

"(b) The District Attorney for Criminal Prosecutions, subject to the general supervision of the Attorney General, shall:

"(1) Have charge of the prosecution of violations of the criminal laws of the District, except for those matters brought in the name of the United States pursuant to section 436h of this Act;

"(2) Have charge of conduct of all juvenile delinquency proceedings based upon violations of the criminal laws of the District;

"(3) Develop and supervise the implementation of all policies relating to criminal prosecutions and juvenile delinquency investigations and proceedings,

"(4) Have charge of the conduct of all extradition and other special criminal

proceedings;

"(5) Make recommendations to the Attorney General with respect to pardons and commutations of sentences by the Mayor of persons convicted of crimes against the District;

"(6) Conduct or authorize and supervise, in criminal prosecutions in the name of the District of Columbia, appeals in all appellate courts and petitions to such courts for the issuance of extraordinary writs, except to the extent that these functions are delegated by the Attorney General to the Solicitor General or another officer or employee in the Office of the Attorney General;

"(7) Take all actions with respect to the appointment, employment, separation, training, and general administration of attorneys and other personnel in the Criminal Division of the Office of the Attorney General, subject to the final approval of the Attorney General; and

"(8) Perform such other duties and functions as may be assigned from time to time by the Attorney General.

"(c) The District Attorney for Criminal Prosecutions shall serve at the pleasure of the Attorney General.

"(d) The District Attorney for Criminal Prosecutions shall meet the qualifications of office required of the Attorney General under section 436(d) of this Act and shall serve a term coterminous with that provided for the office of the Attorney General under section 436(f)(1) of this Act, or until his or her successor is appointed.

"SEC. 436f. DISTRICT ATTORNEY FOR CIVIL PROCEEDINGS.

"(a) The Attorney General shall appoint a District Attorney for Civil Proceedings, who shall be the head of the Civil Division of the Office of the Attorney General and who shall assist

the Attorney General in the performance of the Attorney General's duties as provided by this
section.

"(b) The District Attorney for Civil Proceedings, subject to the general supervision of the
Attorney General, shall:

"(1) Have charge of all civil and administrative actions, suits, or proceedings
(including the investigation thereof) instituted by or against the District or its agencies;

"(2) Develop and supervise the implementation of all policies relating to the
investigation, litigation, and settlement of suits and other proceedings against the District or its
agencies;

"(3) Conduct or authorize and supervise, in civil or administrative actions, appeals
by the District and its agencies to all appellate courts and petitions to such courts for the issuance
of extraordinary writs, except to the extent that these functions are delegated by the Attorney
General to the Solicitor General or another officer or employee in the Office of the Attorney
General;

"(4) Prepare the formal opinions of the Attorney General, render informal
opinions and legal advice to the agencies of the District government, including the independent
agencies thereof, and assist the Attorney General in the performance of the Attorney General's
duties as legal adviser to the Mayor;

"(5) Take all action with respect to the appointment, employment, separation,
training, and general administration of attorneys and other personnel in the Civil Division of the
Office of the Attorney General, subject to the final approval of the Attorney General; and

"(6) Perform such other duties and functions as may be assigned from time to

time by the Attorney General.

"(c) The District Attorney for Civil Proceedings shall serve at the pleasure of the Attorney General.

"(d) The District Attorney for Civil Proceedings shall meet the qualifications of office required of the Attorney General under section 436(d) of this Act and shall serve a term coterminous with that provided for the Office of the Attorney General under section 436(f)(1) of this Act, or until his or her successor is appointed.

"SEC. 436g. ASSISTANT DISTRICT ATTORNEYS.

"Assistant District Attorneys appointed by the Attorney General pursuant to this Act, who shall serve at the pleasure of the Attorney General, shall be authorized and empowered to execute and fulfill the duties of their office according to the Constitution and the laws of the District of Columbia and shall have and hold such offices with all the powers, privileges, and emoluments appertaining to such offices."

"SEC. 436h. FEDERAL PROSECUTION OF LOCAL CASES.

"(a) Except as otherwise provided in this section, prosecutions for violations of District laws shall be conducted in the name of the District of Columbia by the Attorney General for the District of Columbia.

"(b) An information or indictment brought in the name of the United States in the United States District Court for the District of Columbia may include charges of violations of District laws; provided, that

"(1) the Attorney General for the District of Columbia consents to the inclusion of such charges in writing; or

"(2) the United States Attorney General has certified the case or matter for federal prosecution pursuant to subsection (d) of this section.

"(c) An indictment or information brought in the name of the District of Columbia in the Superior Court of the District of Columbia may, with the consent of the Attorney General for the District of Columbia or upon certification by the United States Attorney General pursuant to subsection (d) of this section, be joined for trial in the United States District Court for the District of Columbia with an indictment or information brought in that court, if the charges in the indictments or informations could have been joined in the same indictment or information in the United States District Court before the effective date of this Act.

"(d)(1) Where the United States Attorney General finds that a particular matter or case involves a legitimate and compelling federal interest, which justifies the exercise of exclusive federal jurisdiction, and such exercise of federal jurisdiction is in the public interest, the United States Attorney General may file with the Clerk of the Superior Court of the District of Columbia a certification to that effect. The United States Attorney General may request that such certification be filed under seal if he or she deems it necessary to protect the integrity, or an ongoing or contemplated investigation or the privacy, of an individual; provided, that the certification shall not be filed under seal to the extent that it relates to an indictment or information previously filed in either court. Timely notice of any certification shall be given in writing to the Attorney General for the District.

"(2) On the filing of the certification under this subsection, the District shall be divested of jurisdiction to conduct any investigation or to bring any prosecution in relation to the matter or cases to which the certification has been filed, unless the United States Attorney

General files with the Clerk of the Superior Court of the District of Columbia and the Clerk of the United States District Court for the District of Columbia a statement that the federal interest underlying the certification has been sufficiently vindicated so as to warrant the reassertion of jurisdiction by the District. Such statement shall be filed under seal at the request of the United States Attorney General.

"(3) The United States Attorney General may file a certification under this subsection only if the United States Attorney for the District of Columbia has sought and failed to obtain the consent of the Attorney General for the District to the exercise of federal jurisdiction over the matter or case to which the certification relates.

"(4) The decision of the United States Attorney General to file the certification provided for by this subsection shall not be subject to review in any court.

"(5) A prosecution pursuant to certification under this subsection shall be brought in the name of the United States in the United States District Court for the District of Columbia in the same manner and subject to the same appellate review as any other prosecution brought in the name of the United States.

"(e) In cases certified pursuant to subsection (d) of this section, the District of Columbia shall be considered as a "State" within the meaning of sections 245(a)(1), 659, 1751(h) and 2117 of title 18 of the United States Code.

"(f) Nothing in this section shall affect the authority of the United States Attorney General or the United States Attorney for the District of Columbia to exercise jurisdiction concerning violations of the laws of the United States.

"SEC. 436i. COOPERATION BETWEEN DISTRICT AND FEDERAL AGENCIES.

"(a) To the extent necessary to ensure effective law enforcement and the due administration of criminal justice in the District, the United States Attorney General shall provide assistance and guidance in the training of Assistant District Attorneys, the development of ethical and professional standards for conducting criminal prosecutions, and the development of cooperative law enforcement activities.

"(b) The United States Attorney General and the Attorney General for the District of Columbia shall enter into a Memorandum of Understanding under which:

"(1) The United States Attorney General will render, or coordinate the rendering by other federal agencies and departments of, assistance to the District of Columbia;

"(2) There will be the maximum feasible exchange of information concerning violations or potential violations of law within their respective jurisdictions and, in particular, concerning those matters that may warrant exercise of the certification authority provided under section 436h(d) of this Act; provided, that the provision of Rule 6(e) of the Criminal Rules of the Superior Court of the District of Columbia shall not bar the disclosure of matters occurring before the grand jury to the United States Attorney for the District of Columbia in connection with the investigation or prosecution of violations of laws of the United States or of the District; and

"(3) the Attorney General and other agencies of the District shall provide to the United States Attorney General and the United States Attorney for the District of Columbia any assistance as may be necessary in aid of their investigative and prosecutorial responsibilities."

TITLE III--TRANSITION PROVISIONS.

SEC. 301. ABOLISHMENT OF THE OFFICE OF THE CORPORATION COUNSEL.

The Office of the Corporation Counsel of the District of Columbia, as established by section 18 of the Act of August 23, 1971, of the Legislative Assembly of the District of Columbia, and as reestablished by Reorganization Order No. 50 promulgated by the Board of Commissioners pursuant to Reorganization Plan No. 5 of 1951, is abolished, and its functions and positions are transferred to the Office of the Attorney General.

SEC. 302. TRANSFER OF PERSONNEL.

(a) Officers and employees of the Office of the Corporation Counsel incumbent prior to the effective date of title II of this Act, shall be deemed to be transferred to the Office of the Attorney General as of the effective date of title II of this Act without a break in service. Such officers or employees of such office as are appointed Assistant District Attorneys shall serve at the pleasure of the Attorney General.

(b) Any officer or employee of the Office of the United States Attorney for the District of Columbia who, after the date of enactment of this Act but no later than 90 days prior to the effective date of title II of this Act, requests in writing to be transferred to the Office of Attorney General, shall, with the approval of the Attorney General Designate, be deemed to be transferred to such office without a break in service on the effective date of title II of this Act. The Attorney General Designate may permit such request for transfer to be made less than 90 days prior to the effective date of title II of this Act, but in no event subsequent to the effective date. The Attorney General Designate shall be deemed to have approved such transfer unless he or she indicates in writing his or her disapproval within 90 days (excluding Saturdays, Sundays, and holidays) of the date on which such request for transfer is made.

(c) No employee shall, by reason of his or her transfer to the Office of the Attorney

General, be deprived of any civil service or Federal Employees' Retirement System rights, benefits, and privileges held by him or her prior to such transfer, but shall retain personnel benefits, including pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress or the Council, or by regulation adopted pursuant thereto, and applicable to such employees immediately prior to the effective date of the system established pursuant to this Act, except that notwithstanding any other provision of law, those persons appointed Assistant District Attorneys shall serve, as of the date of their appointments, at the pleasure of the Attorney General.

SEC. 303. TRANSFER OF POSITIONS, PROPERTY, AND FUNDS.

(a) In each case of the transfer by any provision of this Act of functions of the Corporation Counsel of the District of Columbia, the Attorney General of the United States, or the United States Attorney for the District of Columbia to the Attorney General for the District of Columbia, there are hereby authorized to be transferred positions, property, records, and unexpended balances of appropriations, allocations or other funds, assets, and liabilities that relate primarily to the functions so transferred.

(b) If any question arises in connection with subsection (a), the question shall be decided:

(1) In the case of functions transferred from a federal officer or agency, by the Director of the Office of Management and Budget; and

(2) In the case of functions transferred from a District officer or agency, by the Mayor.

SEC. 304. PENDING ACTIONS AND PROCEEDINGS.

(a) No prosecution, suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or her or its official capacity or in relation to the exercise of his or her or its official functions shall abate by reason of the effectiveness of any provision of this Act. A court, shall allow the proceeding to be maintained, with such substitutions as to parties as may be appropriate, unless it determines that the survival of a suit, action, or other proceeding is not necessary for purpose of settlement of the issues.

(b) Prosecutions for violations of District laws brought by the United States Attorney for the District of Columbia in the Superior Court of the District of Columbia by the filing of an indictment or information prior to the effective date of this Act shall be completed by the Attorney General for the District of Columbia, including any appellate review. The United States Attorney for the District of Columbia and the Attorney General for the District of Columbia shall enter into an agreement providing for the designation of Assistant United States Attorneys as Assistant District Attorneys for the purpose of completing such cases, pursuant to section 101(d) of title 23 of the District of Columbia Code, in the interest of economical use of prosecutorial resources.

(c) No administrative action or proceeding lawfully commenced shall abate solely by reason of the effectiveness of any provision of this Act, but the action or proceeding shall be continued with such substitution as to parties and officers or agencies as are appropriate."

TITLE IV-- FISCAL IMPACT STATEMENT

Sec. 401. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE V -- CONDITIONAL EFFECTIVE DATE

Sec. 501. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), ratification by a majority of the registered qualified electors of the District of Columbia voting in a referendum held for such purpose, publication in the District of Columbia Register, and enactment of this act by the United States Congress.